



COMMUNITY DEVELOPMENT DEPARTMENT

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## PLANNING COMMISSION MEETING MINUTES

### REGULAR MEETING

JUNE 25, 2002

**PRESENT:** Acevedo, Benich, Engles, Escobar, Lyle, Mueller, Weston

**ABSENT:** None

**LATE:** None

**STAFF:** Planning Manager (PM) Rowe and Office Assistant II Dieter  
Senior Engineer (SE) Creer

Chair Acevedo called the meeting to order at 7:02 p.m.

### DECLARATION OF POSTING OF AGENDA

Office Assistant II Dieter certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Acevedo opened the public hearing.

With no one present wishing to speak, the public hearing was closed.

### MINUTES:

**MAY 28, 2002**      **COMMISSIONERS MUELLER/WESTON MOTIONED TO APPROVE THE MAY 28, 2002 MINUTES AS WRITTEN. THE MOTION PASSED UNANIMOUSLY**

### OLD BUSINESS:

**1) ZA-02-08:** A request to amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.200 through 18.78.410 of the Municipal Code .

**CITY OF MH-SUBCOMMITTEE RECOMMENDATIONS FOR CHANGES TO (RDCS) STANDARDS** PM Rowe presented the staff report. He spoke on format changes, requested further input from the Planning Commission and reviewed the corrections required in the narrative. PM Rowe concluded with staff's recommended action to the Commission to consider the Subcommittee's recommended changes and noted corrections,

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**AND CRITERIA** by adopting Resolution No.02-51, with a recommendation to forward to the City Council for approval. Commissioner Lyle pointed out an additional correction on page 26.

Chair Acevedo opened the public hearing.

Rocke Garcia, 100 E. Third St., thanked the Commission for the opportunity to participate as a member of the Subcommittee. He commented on the following two issues: 1) Under the Housing Needs Category - The advantage of awarding a project 13 points if at least 10 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non-profit builder; and 2) Under the Circulation Efficiency Category - Receiving points for local streets.

There being no further comments, Chair Acevedo closed the public hearing.

Commission discussion ensued regarding improvement of local streets versus arterial streets and the ability to get points for that action; i.e., points would only be given for arterial and collector streets. In response to Dick Oliver's question in regards to how his project could receive points for putting in a full local street, Commissioner Lyle stated that would apply to over-and-above a standard street commitment.

Further discussion was held with respect to duplication of points in the different categories. It was noted the intention of the Subcommittee is to eliminate this problem for the same work. The question was asked of SE Creer how this could be avoided. Commissioner Mueller stated that under the Public Facilities Category, the purpose was not to duplicate points, but to allow projects that went beyond the code requirement to be able to get two points in the category. SE Creer stated that the word "collector" should be deleted from the paragraph; however, there is still the need for the benefit of points for full local street commitment by a project, as expressed by Mr. Oliver, strictly in regard to the project frontage. Commissioner Mueller commented that he feels that it should be stated that if the applicant goes "above and beyond" code and its not given points in other areas, that the improvements on the frontage could apply. He stated that the wording "above and beyond code are acceptable" should be added.

Commissioner Lyle stated that there was confusion regarding the non-profit criteria. He pointed out that Mr. Garcia's project was the only project that had an issue with this criteria; however, it did get scored correctly. Commissioner Lyle added that it is not a change from last year.

**COMMISSIONERS MUELLER/ WESTON MOTIONED TO APPROVE RESOLUTION NO. 02-51 AS MODIFIED BY AGREEMENT OF THE ITEMS DURING DISCUSSION. THE MOTION PASSED UNANIMOUSLY**

**2) ZA-00-05:** A request to approve a revised precise development plan for 67 acre Capriano development located on the south side of Tilton Ave., east side of Hale Ave., west of HALE- the railroad tracks. The proposed development plan includes 38 single-family GLENROCK/ attached homes and 172 single-family detached homes. SHEA HOMES

PM Rowe presented the staff report. He stated the majority of issues on the site plan have been addressed by the applicant. He also advised the Commission that time is of the essence because the applicant needs to move forward to meet the deadline of pulling his grading permit. PM Rowe further indicated that resolution is necessary on the R-1 area and the drive aisles in the RPD. He stated staff's recommendation for approval of the RPD with the conditions contained in Resolution No. 02-33, with the recommendation that the request be forwarded to the City Council for approval.

Chair Acevedo opened the public hearing.

The first speaker, Rocke Garcia from Glenrock Builders, addressed questions raised with regard to the distribution of BMR housing throughout the development. He showed how the same number of the BMR's are located on Saffron Dr., as well as on Dougherty Ave. Mr. Garcia stated that he feels that they have met condition #1 of the staff report. Next, he talked about the placement of the Carriage Houses in the project. He also said that he does not want to have parking fronting on Santa Teresa Boulevard. Therefore, he requested to have the drive aisle be as narrow as possibly could be allowed. Mr. Garcia commented that he agreed with staff that portions of this project should come back for further review, but would appreciate approval of the R-2 area up to Cayenne Dr., so that he could proceed with getting the grading permit.

There being no one else present who wished to speak to the matter, Chair Acevedo closed the public hearing.

The Commission entered into discussion with respect to the details of the placement of the nursery school, and whether or not parcels 1 and 2 or parcels 12 and 13 should be designated for the school. It was noted that traffic is a concern in regard to the nursery school placement. The Commissioners took a straw vote for the placement. None of the Commissioners liked lots 12 and 13; therefore, the vote was taken with consideration of the use of parcels 1 and 2 or 3 and 4. Commissioners Benich, Escobar, Mueller and Weston voted in favor of parcels 1 and 2. Commissioners Acevedo, Engles and Lyle voted in favor of parcels 3 and 4. It was the consensus from the vote that the nursery school will be placed on parcels 1 and 2. It was also decided that the easement will be deleted from item 6, and to eliminate item 9, as the Commissioners were satisfied that Mr. Garcia is taking care of the placement of the BMRs.

Commission discussion continued regarding the Open Space area. Commissioner Lyle stated he would like the houses to front onto the park, and if they do not front on the park, that he would like to see exactly what the houses are going to look like, as this a gateway into the City. Commissioner Escobar expressed concern with not establishing a sense of community in this neighborhood. He said he feels that you should have streets where people face each other so as to invite communication between one another.

Commissioners Mueller and Weston were concerned with what the area will look like from Hale Avenue, and would like to see more detailed information. They feel that this area should come back before the Commission with the details before the Commission vote on the issue. PM Rowe stated that from this discussion it appeared that the Commission would like the R-2 area to come back as a future RPD amendment. Commissioner Lyle stated that he felt the RPD amendment is just changing the R-1

portion of the project.

**COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE RESOLUTION NO. 02-33, WITH THE FOLLOWING AMENDMENTS: PARCEL 1 AND 2 WILL BE DESIGNATED FOR PLACEMENT OF THE NURSERY SCHOOL; EVERYTHING WEST OF CAYENNE DRIVE IS NOT APPROVED AND WILL BE RETURNED BEFORE THE COMMISSION WITH AMENDMENT TO THE R-2 PORTION; THE EASEMENT WILL BE DELETED FROM ITEM 6; AND STRIKE ITEM 9 IN SECTION 5. THE MOTION CARRIED BY A VOTE OF 5-2 AS FOLLOWS: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, MUELLER; NOES: LYLE, WESTON; ABSTAIN: NONE; ABSENT: NONE.**

**NEW BUSINESS:**

- 3) UP-02-05:** A request for approval of a conditional use permit to allow for a 1,200 student,  
**HALE-** private high school on 30 acres located on the east side of Hale Avenue,  
**CATHOLIC** west of Monterey Rd approximately 1,000 feet north of Sanchez Dr. The  
**HIGH SCHOOL** proposed zoning for the property is PF, public facilities.

PM Rowe presented the staff report. In conclusion he stated staff's recommendation to the Commission to adopt Resolution No. 02-52 approving the conditional use permit request. PM Rowe then addressed questions from the Commission.

Commissioner Weston inquired why staff did not recommend that Saffron Drive go all the way through to the proposed high school. He stated that he thought that this through-way would be advantageous in case of a fire.

Chair Acevedo questioned the use of the lighting around the stadium in relation to the residential.

Chair Acevedo opened the public hearing.

Roger Shanks from Bunton Clifford Associates responded to Commission questions regarding why the campus has been designed to put the academic buildings on the north side of Madrone Parkway. He stated that this was done to get the least amount of pedestrian traffic across Madrone Parkway. Mr. Shanks also stated that the school would not be having very many night games at this site. The school anticipates putting a dimming system on the lights, along with sound walls for the residential area and walls along the tracks for safety.

Commissioner Lyle was concerned about the potential noise from a large football field.

Commissioner Benich asked if the high school would work with VTA for a covered bus stop.

Rocke Garcia, 100 E. Third St., spoke in favor of the application.

Chair Acevedo closed the public hearing.

Commissioner Lyle noted there are a number of conditions with respect to the roadway that are not addressed. PM Rowe stated that those conditions are understood already and the other applicant who have committed to some of the conditions would be reimbursed.

Commissioners Lyle and Weston questioned whether or not the number of visitor parking spaces were sufficient?

Commissioner Escobar felt that some of the landscape conditions should be stated as item 36. PM Rowe felt that those issues would be covered through the Site and Architectural approval process.

Additional discussion was held by the Commission with respect to working with VTA and the covered bus stop. Concern was expressed about how it would be maintained.

Commissioner Mueller suggested that an emergency evacuation plan be put in place.

**COMMISSIONERS MUELLER/BENICH MOTIONED TO APPROVE  
RESOLUTION NO. 02-52, WITH THE REVISION TO CONDITION 36. THE  
MOTION PASSED UNANIMOUSLY.**

**4) ANX-02-02/** A request to annex approximately 16 acres located east of Peet Rd., between Cochrane  
**ZA-02-02:** Rd. to the north and east and Half Rd. to the south, and pre-zone the parcel from  
**COCHRANE-** County Agriculture to Single Family (R1-12,000).  
**BORELLO II**

PM Rowe presented the staff report and provided staff's recommendation for the Commission to approve the Mitigated Negative Declaration, Resolution No. 02-53 (annexation) and Resolution No. 02-54 (zoning amendment).

The Commission questioned PM Rowe regarding buildings on the site that do not meet code.

Commissioner Lyle pointed out that parcels 6 and 7 are referred to in two different places in the project description, which requires a correction to the Mitigated Negative Declaration.

Discussion ensued among the Commission with respect to fire response time.

Commissioner Mueller questioned whether or not lot 6 would be a conforming use if the Commission allow the 100 ft. buffer on lot 7.

Chair Acevedo opened the public hearing.

David Fanara, 1960 Cochrane Road, spoke regarding lot 6. He stated that he is concerned whether or not he will be able to continue to use his property in the same fashion.

Vince Burgos of DPC and representative for the Borello Family, spoke about the 100 ft. setback and working to retain a transition of density. He said that he is hoping to be able to get 13 to 14 lots out of the project and still stay within the density allowed in the General Plan. Commissioner Mueller suggested that the agricultural uses on lot 6 be disclosed by the Borello's when selling the lots.

There being no further comments, Chair Acevedo closed the public hearing.

**COMMISSIONERS WESTON/BENICH MOTIONED TO APPROVE THE AMENDED MITIGATED NEGATIVE DECLARATION (PARCELS 6 AND 7 ARE REFERRED TO IN TWO DIFFERENT PLACES IN THE PROJECT DESCRIPTION, REQUIRING CORRECTION). THE MOTION PASSED UNANIMOUSLY.**

**COMMISSIONERS WESTON/BENICH MOTIONED TO APPROVE RESOLUTION NO. 02-53 FOR THE ANNEXATION REQUEST. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS WESTON/MUELLER MOTIONED TO APPROVE RESOLUTION NO. 02-54 FOR THE ZONING AMENDMENT, WITH RECOMMENDATION TO FORWARD THE REQUEST TO THE CITY COUNCIL FOR APPROVAL. THE MOTION PASSED BY A UNANIMOUS VOTE.**

**OTHER BUSINESS:**

**5) HOUSING TYPE** A requesting a determination of the housing mix and term for the next Residential Development Control System (Measure P) competition. Also requested is approval to  
**DISTRIBU-** reserve a portion of the building allotment for separate affordable housing and micro  
**TION & TERM** project competitions.  
**FOR FY 02-03**  
**MP COM-** PM Rowe presented the staff report, followed by his request of the Commission to  
**PETITION/** arrive at a consensus of the manner in which allotments will be distributed, and  
**FY 2004-2005** whether or not the competition should go into a second year. PM Rowe then provided  
**BUILDING** staff's recommendation for approval of resolution No. 02-55.  
**ALLOTMENT**

Chair Acevedo opened the public hearing.

Scott Schilling, 16060 Caputo Drive, Suite 160, of South Valley Developers commented on the Micro Competition. He asked for some flexibility in this section, giving at least 5 allocations. He stated he was concerned about a small project of 6 coming in and would like them to be able to phase over 2 years. Under the Small Projects section, he also felt that the 24 number could be reduced significantly and given to the Open/Market Competition to help build out the on-going projects.

Dick Oliver with Dividend Homes, questioned the six-lot project that was mentioned. He felt that the likelihood of it being built out was very slim. He commented that no

developer is going to build out 4 BMRs and 2 market rate houses. Mr. Oliver recommended that those 6 units go into the Open/Market Competition. He is very concerned that the large projects will never get finished off at this rate. He supported the alternate year competition for on-going projects.

There being no further comments, Chair Acevedo closed the public hearing.

Commissioners Lyle and Benich recommended that the Micro Competition be reduced to 6 and the Small Projects to 14 allotments in order to maximize the number going to the on-going projects.

Commissioner Weston stated that he liked the idea of the two-year competition and having a set-aside for on going projects.

PM Rowe advised the Planning Commission that they needed to work on the percentages. The Commission then entered into discussion regarding the percentages distribution they felt should be assigned to the first and second year allotments.

Commissioner Mueller reiterated that the Commission needed to address the problem of on-going projects. He stated that he felt new projects cannot continue to be added without addressing the fact that old projects are not being built, and that the Commission should give at least 65% of the total allotments to on-going projects.

Commissioner Lyle questioned the wording for on-going projects and whether or not that would exclude small projects, because by definition, small projects would all be new projects, thus any of the above becomes 65%. PM Rowe advised that there will be a set-aside within the Open/Market Competition of approximately 65%.

The Planning Commission recommended the following:

- 1) Authorize a modified two-year Measure "P" Competition to be held for the balance of the fiscal year 2004-05 building allocation (134 units) and a portion of the fiscal year 2005-06 allocation (approximately 124 units), with the following recommended distribution: 1) In the first year, for the fiscal year 2004-05 building allotment, 6 units would be reserved for Partially Completed Projects; 12 units would be reserved for projects that are 100% Affordable; 4 units would be reserved for a Micro Project Competition; and 112 units would be reserved for new projects in the Open/Market Competition. 2) In the second year, a portion of the fiscal year 2005-06 building allotment reserved for the Open/Market Competition would be awarded. The building allotment for the Micro and Affordable Competition categories would be awarded next fiscal year. The recommended distribution of the fiscal year 2005-06 building allotment is as follows: 33 units (20% of the total allotment) be reserved for projects that are 100% Affordable; 7 units (4% of the total allotment) be reserved for the Micro Project Competition; and 124 (76% of the total allotment) be reserved for projects in the Open/Market Competition.

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- 2) A two-year allocation for the fiscal year 2002-03 Open/Market Competition. The benefit of a two-year allotment is that it will provide additional lead time for processing subdivision maps and other entitlements. This will help to ensure that the dwelling units allocated for a given fiscal year are constructed within the fiscal year of the award.
- 3) 65% of the Open/Market set-aside in both years be reserved for on-going projects such as Mission Ranch, Central Park, etc. This reserve will help to accelerate the build out of these developments. This in turn will allow the City to achieve a greater degree of compliance with our Housing Element, in terms of the number of dwelling units that we need to produce between 1999 and 2006. Currently, there are 6 on-going projects that will require allocations for 459 units to complete build out. A two-year competition is not sufficient to complete all 6 projects, but it would allow up to 3 of these projects to be fully allocated and thus be completed within the next 3 to 4 years.
- 4) Flexibility to change the final distribution of allotment as may be necessary to respond to changes in the housing market (change in the build-out rate for existing projects, increase demand for particular housing types, etc.).
- 5) The total building allotment for Fiscal Year 2004-05 and Fiscal Year 2005-06 be increased or decreased based on the January 1, 2003 total population and persons per household estimates for Morgan Hill as determined by the State Department of Finance (DOF). Any increase in the authorized building allotment would be distributed to the set-aside for the Open/Market Competition.

**COMMISSIONERS WESTON/MUELLER MOTIONED TO APPROVE RESOLUTION NO. 02-55 AS AMENDED, BY INCLUDING ITEMS 1 - 5 OF THE DISCUSSION AS LISTED IN THE MINUTES. THE MOTION PASSED UNANIMOUSLY.**

**ANNOUNCEMENTS:**

**ADJOURNMENT:** There being no further business, Chair Acevedo adjourned the meeting at 10:59 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**PHYLLIS M. DIETER, Office Assistant II**

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